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REMARKS

Applicant hereby affirms the election of claims drawn to species I (claims 1-9, 21 and 30-36) made during a telephone conversation on January 4, 2006. Claims 10-20 and 22-29 are hereby withdrawn from further consideration. Claims 1-9, 21 and 30-36 have been rejected. Reconsideration and allowance of all pending claims are requested.

Claims 1, 3-5, 21, 32 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Boesen et al. (U.S. Patent 4,092,696, hereinafter "Boesen"). Claims 1, 21 and 32 are independent.

Independent claim 1 is directed to an apparatus that includes "a substrate defining a plane", "a first conducting plate substantially normal to the substrate", and "a second conducting place substantially normal to the substrate and deformable in response to a pressure". Claims 3-5 depend from claim 1.

Independent claim 21 is directed to a method that includes, among other things, "providing a voltage to one of a first conducting plate and a second conducting plate, the first conducting plate being substantially normal to a substrate defining a plane and the second conducting plate being (i) electrically isolated from the first conducting plate, (ii) substantially normal to the substrate, and (iii) deformable in response to pressure".

Independent claim 32 is directed to an apparatus that includes "a substrate defining a plane" and "a deformable plate substantially normal to the substrate and deformable in response to a pressure". Claim 33 depends from claim 32.

The Office action states that Boesen teaches "a substrate 13 ... 24 ... defining a plane", "a first conducting plate 11 ... substantially normal to the substrate 13 24" and "a second conducting plate 12 ... 22 ... substantially normal to the substrate 13 24 and

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deformable ... in response to a pressure". Applicant respectfully submits that Boesen fails to teach either of the conducting plates being normal to the substrate.

In at least paragraph [0031] of applicant's instant patent application, applicant has defined "normal". Specifically, "As illustrated, the plates 310, 320 are substantially normal to the substrate 330. That is, the plates 310, 320 extend vertically from a horizontal plane defined by the substrate 330".

Figures 1 and 5 of Boesen are illustrative of applicant's point. As shown in Figures 1 and 5, the substrate 13, 24 is in the same plane as the first conducting plate 11 and the second conducting plate 12, 22. Thus, the substrate 13, 24 cannot be normal to the first and second conducting plates, as recited in the independent claims 1, 21 and 32. Boesen fails to teach or suggest either "a first conducting plate substantially normal to the substrate" or "a second conducting plate substantially normal to the substrate" as recited in claims 1, 21 and 32.

For at least the reasons summarized hereinabove, applicant respectfully submits that claims 1, 3-5, 21, 32 and 33 are patentable over Boesen.

Claims 2, 8, 9, 30, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boesen in view of the applicant's admitted prior art. (hereinafter "AAPA").

Claims 2, 8 and 9 depend from claim 1 described above. Claim 30 is directed to a system that includes a pressure sensor having "a substrate defining a plane", "a first conducting plate substantially normal to the substrate", and "a second conducting plate substantially normal to the substrate and deformable in response to a pressure". Claims 34 and 36 depend from claim 32 described above.

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As noted previously, Boesen fails to teach or suggest either “a first conducting plate substantially normal to the substrate” or “a second conducting plate substantially normal to the substrate” as recited in claims 1, 21, 30, and 32. The AAPA allegedly teaches the substrate being associated with a micro-electromechanical system wafer, and provides no relevant teaching to address the failings of Boesen. Thus, claims 2, 8, 9, 30, 34 and 36 are patentable over the combination of Boesen and AAPA.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boesen in view of Beristain (U.S. Patent 4,530,029, hereinafter “Beristain”). Claim 6 depends from claim 1 described above. Claims 7 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boesen in view of Beristain as applied to claim 6 above, and further in view of Braunlich (U.S. Patent 4,287,553, hereinafter “Braunlich”). Claim 7 depends from claim 1 and claim 35 depends from claim 32, both described above. Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boesen in view of Forster (U.S. Patent Publication 2004/0159158, hereinafter “Forster”). Claim 31 depends from claim 30.

As noted previously, Boesen fails to teach or suggest either “a first conducting plate substantially normal to the substrate” or “a second conducting plate substantially normal to the substrate” as recited in claims 1, 30, and 32. Beristain is relied upon in the Office action as teaching a first conducting plate that is deformable in response to a pressure. As such, Beristain adds no teaching of significance to the failings of Boesen. Braunlich is relied upon in the Office action as teaching conducting plates that include diaphragms. As such, Braunlich adds no teaching of significance to the failings of Boesen. Finally, Forster is relied upon in the Office action as teaching a capacitive pressure sensing device associated with a tire pressure monitor. As such, Forster adds no teaching of significance to the failings of Boesen.

In view of the remarks and amendments set forth above, applicant respectfully submits that each of the pending claims is patentable over the cited references, and applicant respectfully requests allowance of the pending claims. If the Examiner has any

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questions regarding the instant patent application, the Examiner may contact applicant's counsel, Bill Powell, at telephone number (518) 387-4530.

Respectfully submitted,



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